

**EXHIBIT 22**  
**Excerpts from**  
**Chad Lyman**  
**Deposition, Vol.**  
**II, 11/5/19**

Chad N. Lyman

Trinita Farmer v. Las Vegas Metropolitan Police Department, et al.

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| <p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF NEVADA</p> <p>3</p> <p>4 TRINITA FARMER, individually, ) Case No.:<br/>5 Plaintiff, ) 2:18-cv-00860-GMN-VCF<br/>6 vs. )<br/>7 LAS VEGAS METROPOLITAN POLICE )<br/>8 DEPARTMENT, a political )<br/>9 subdivision of the State of )<br/>10 Nevada; KENNETH LOPERA, )<br/>11 individually; TRAVIS CRUMRINE, )<br/>12 individually; MICHAEL TRAN, )<br/>13 individually; MICHAEL FLORES, )<br/>14 Defendants. )</p> <p>15 DEPOSITION</p> <p>16 OF</p> <p>17 CHAD N. LYMAN</p> <p>18 Taken on Tuesday, November 5, 2019</p> <p>19 By a Certified Court Reporter</p> <p>20 At 9:08 a.m.</p> <p>21 At 400 South Seventh Street, Suite 400</p> <p>22 Las Vegas, Nevada</p> <p>23</p> <p>24 Reported by: Dawn Bratcher Gustin, CCR 253, RPR, CRR<br/>25 Job No. 36895 California CSR 7124</p> | <p>1 INDEX</p> <p>2 WITNESS PAGE</p> <p>3 CHAD N. LYMAN</p> <p>4 Examination by Mr. McNutt 4, 130</p> <p>5 Examination by Mr. Lagomarsino 92</p> <p>6</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 EXHIBIT DESCRIPTION MARKED</p> <p>10 Exhibit 1 Document entitled Risks 122<br/>11 Associated With the Use of the<br/>12 Carotid Restraint by Bill Smock,<br/>13 MD (28 pages)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>  |
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| <p>1 APPEARANCES:</p> <p>2 For the Plaintiff:</p> <p>3 ANDRE LAGOMARSINO, ESQ.<br/>4 LAGOMARSINO LAW<br/>5 3005 West Horizon Ridge Parkway<br/>6 Suite 241<br/>7 Henderson, Nevada 89052</p> <p>8 For the Defendants Las Vegas Metropolitan Police<br/>9 Department, Travis Crumrine, Michael Tran, and Michael<br/>10 Flores:</p> <p>11 CRAIG R. ANDERSON, ESQ.<br/>12 MARQUIS AURBACH COFFING<br/>13 10001 Park Run Drive<br/>14 Las Vegas, Nevada 89145</p> <p>15 For the Defendant Kenneth Lopera:</p> <p>16 DANIEL R. McNUTT, ESQ.<br/>17 MCNUTT LAW FIRM, P.C.<br/>18 625 South Eighth Street<br/>19 Las Vegas, Nevada 89101</p> <p>20 *****</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>  | <p>1 PROCEEDINGS</p> <p>2 (Counsel stipulated to waive the</p> <p>3 reporter requirements under NRCP Rule</p> <p>4 30(b)(5)(A).)</p> <p>5 CHAD N. LYMAN,</p> <p>6 having been first duly sworn, was</p> <p>7 examined and testified as follows:</p> <p>8 EXAMINATION</p> <p>9 BY MR. MCNUTT:</p> <p>10 Q. Mr. Lyman, my name is Dan McNutt, and I</p> <p>11 represent former Metro Officer Ken Lopera.</p> <p>12 A. Okay.</p> <p>13 Q. And have you ever had your deposition taken</p> <p>14 before?</p> <p>15 A. Yes.</p> <p>16 Q. How many times?</p> <p>17 A. A handful.</p> <p>18 Q. Okay. Well, just -- and I will go over the</p> <p>19 rules of the deposition fairly quickly. If you at any</p> <p>20 time -- the biggest rule is if you have any questions</p> <p>21 ever, ask. If you want to take a break at any time, as</p> <p>22 long as there's no pending question, we'll take a break.</p> <p>23 No problem.</p> <p>24 Obviously, we have a court reporter to your</p> <p>25 right, and she's taking down everything that's being</p> |

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| <p>1 guys. I would have served in AOST approximately, guys,<br/> 2 from sometime in -- in '13 through to about 2016. And<br/> 3 that's going to be approximate. It was about a<br/> 4 three-year stint, and it could have been as much as<br/> 5 three and a half.<br/> 6 BY MR. MCNUTT:<br/> 7 Q. Thank you.<br/> 8 A. I don't know about you guys, but this weird<br/> 9 thing happened to me. I'm older than yesterday, and it<br/> 10 seems to be speeding up, and I don't -- I'm fighting it;<br/> 11 so I don't keep track of dates too well.<br/> 12 Q. Well, I will let you know that Craig Anderson<br/> 13 when he starts to question you, he has trick questions,<br/> 14 and he will -- if your wife is in the room, he will<br/> 15 often ask you the date you first met your wife, your<br/> 16 anniversary, things of that nature --<br/> 17 A. I will write them down.<br/> 18 Q. -- just to embarrass you.<br/> 19 A. Yeah, that would work for me.<br/> 20 (A discussion was held off the<br/> 21 record.)<br/> 22 THE WITNESS: That AOST stint, though,<br/> 23 brother -- or guys, circling back to that, that would<br/> 24 have been about a three-and-a-half-year stint.<br/> 25 /////</p> | <p>1 We have students in the room at times that will<br/> 2 complain and wonder if we're going to get off early and<br/> 3 those kind of things. Ken was not that type of a<br/> 4 student. He was engaged and worked hard for the balance<br/> 5 of whatever we were doing, and he would do whatever we<br/> 6 would ask him to do physically, and he would do it at an<br/> 7 appropriate pace and with appropriate -- as we showed<br/> 8 him. And so from that standpoint, I think Ken was a<br/> 9 very good law enforcement student who showed interest in<br/> 10 the things that we were teaching him.<br/> 11 If you were to ask me what level of Brazilian<br/> 12 jiu-jitsu practitioner he was, he was a beginner. He<br/> 13 would be -- if he were to go compete in a tournament, it<br/> 14 would be inappropriate for him to compete in any kind of<br/> 15 intermediate or advanced division. It would be<br/> 16 appropriate for him to compete in a beginning division<br/> 17 based upon his overall skill level from the times I've<br/> 18 seen him.<br/> 19 Q. Okay. Do you -- does -- when Metro trains in<br/> 20 the -- obviously, you're familiar with the lateral<br/> 21 vascular neck restraint; correct?<br/> 22 A. Yes, sir.<br/> 23 Q. When an officer trains in the lateral vascular<br/> 24 neck restraint -- and for the court reporter, same thing<br/> 25 if I say LVNR -- do they give certification like, you</p> |
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| <p>1 BY MR. MCNUTT:<br/> 2 Q. Okay.<br/> 3 A. Somewhere in there.<br/> 4 Q. How would you describe Ken Lopera's level of<br/> 5 skill -- and I'm not saying you need to put it in some<br/> 6 sort of belts or anything else, just low-level skill,<br/> 7 average-level skill, however you would describe it.<br/> 8 MR. LAGOMARSINO: Objection. Form.<br/> 9 Foundation.<br/> 10 BY MR. MCNUTT:<br/> 11 Q. So Chad, since we have no judge here, counsel<br/> 12 is entitled to make objections on the record, and they<br/> 13 will -- the court reporter will write it down, and we'll<br/> 14 deal with the judge later, but you are free to answer<br/> 15 the question.<br/> 16 A. Okay.<br/> 17 The only thing I could really base Kenny's<br/> 18 skill or ability on would be a law enforcement setting<br/> 19 because that's where I've trained with him, if that<br/> 20 makes sense.<br/> 21 Well, I'll offer it two ways: In a law<br/> 22 enforcement setting, I found Ken to be engaged, wanting<br/> 23 to learn, coachable, listening, asking relevant<br/> 24 questions. He was that type of a student. He was happy<br/> 25 to be there.</p>   | <p>1 know, you're an expert in the use of the LVNR, or is it<br/> 2 simply you've had the training in the LVNR?<br/> 3 A. You got the training --<br/> 4 Q. Okay.<br/> 5 A. -- would be the appropriate designation.<br/> 6 Q. So because -- so because Ken had the training,<br/> 7 that's -- he's sufficient or proficient, according to<br/> 8 Metro's standards, to use and deploy the LVNR as a<br/> 9 patrol officer?<br/> 10 A. Yes.<br/> 11 Q. So let's talk about your training. Obviously,<br/> 12 when you came through -- well, actually, did you go<br/> 13 through Metro's academy when you started, or did your<br/> 14 academy with Portland -- how did that work for laterals?<br/> 15 A. They didn't care at all about my academy in<br/> 16 Portland. I did a six-month military-style academy like<br/> 17 everyone else. But actually, that was -- I actually<br/> 18 embraced that after initially not being totally<br/> 19 thrilled. I thought it was great because I got the same<br/> 20 experience as all my brother and sister officers did.<br/> 21 So I think it was appropriate.<br/> 22 Q. So you -- obviously, in the academy you were<br/> 23 trained in the lateral vascular restraint; correct?<br/> 24 A. Yes, sir.<br/> 25 Q. Okay. And then you as a patrol officer would</p>  |

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| <p>1 have gone through the same types of training, whether</p> <p>2 the quarterly defensive tactics training or the ten-hour</p> <p>3 block of AOST training, every year during your time with</p> <p>4 patrol; correct?</p> <p>5 A. That's correct. AOST was not a unit when I</p> <p>6 first came on in '04. I believe they were formed in '08</p> <p>7 or so. I'm not certain, but you would have to look.</p> <p>8 But they were not a unit when I came on. As soon as --</p> <p>9 we still had the quarterly trainings, but we did not</p> <p>10 have an AOST training at that time.</p> <p>11 Shortly after I began, within my first several</p> <p>12 years, AOST was launched, and since that time I have --</p> <p>13 I have attended AOST.</p> <p>14 Q. Okay. And since we're going back to 2004, let</p> <p>15 me ask this: Was the lateral vascular neck restraint</p> <p>16 trained in Metro in 2004 when you came through the</p> <p>17 academy?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. So the lateral vascular neck restraint</p> <p>20 has been employed by the Metropolitan Police Department</p> <p>21 since at least 2004?</p> <p>22 A. At least, yes.</p> <p>23 Q. Were there any times in -- since 2004, to your</p> <p>24 knowledge, when it was not an authorized technique?</p> <p>25 A. No.</p> | <p>1 and begins to respond to verbal commands. If I encircle</p> <p>2 and secure the LVNR position and the suspect continues</p> <p>3 to resist, then through an application of the LVNR, I</p> <p>4 can restrict or slow down blood flow to and from the</p> <p>5 brain. And if I maintain that, that could end up with</p> <p>6 the suspect going unconscious for a momentary period of</p> <p>7 time, and then I can secure handcuffing at that point.</p> <p>8 So we try an encirclement, we want to continue</p> <p>9 to give verbal commands, and apply. And then through</p> <p>10 that application, even rolling the guy to his belly,</p> <p>11 because eventually what I'm working for is custody and</p> <p>12 control of the individual. That's the whole reason for</p> <p>13 me to pick that tactic against a resistive suspect.</p> <p>14 Q. And when you say "custody," getting into</p> <p>15 handcuffs; correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So throughout this case, I've learned a</p> <p>18 little bit more than I ever thought about neck</p> <p>19 restraints before. So is it fair to say that with one</p> <p>20 arm, and it could be either arm, an officer puts an</p> <p>21 encircling arm around the suspect's neck; correct?</p> <p>22 A. That's correct.</p> <p>23 Q. And tries to maintain a neck brace principle</p> <p>24 such that his bicep and forearm are compressing the</p> <p>25 carotid arteries in the neck?</p> |
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| <p>1 Q. Okay. In 2004, or anytime since, were there</p> <p>2 other neck restraints that were authorized, defensive</p> <p>3 tactics techniques?</p> <p>4 A. No.</p> <p>5 Q. So one of the issues in this case is the --</p> <p>6 whether the technique employed was a lateral vascular</p> <p>7 neck restraint or something else. And so I will ask you</p> <p>8 to describe, if you can, to me the principles of the</p> <p>9 lateral vascular neck restraint.</p> <p>10 What is the officer trying to achieve by</p> <p>11 utilizing an LVNR?</p> <p>12 A. Hopefully -- the overall hope is compliance</p> <p>13 from -- from the suspect. And so that's what they're</p> <p>14 trying to achieve.</p> <p>15 Do you mean physically or --</p> <p>16 Q. Yes, physically.</p> <p>17 A. If the suspect were to continue to resist?</p> <p>18 Q. Correct.</p> <p>19 A. Okay. The -- the LVNR, the principles or the</p> <p>20 ideas behind it are that if the suspect is resisting,</p> <p>21 the officer can render that suspect momentarily</p> <p>22 incapacitated -- or temporarily would be a better word,</p> <p>23 I guess, incapacitated and overcome their resistance.</p> <p>24 Now, at times an encirclement and verbal</p> <p>25 commands is sufficient, and the person begins to comply</p>                      | <p>1 A. Well, in that neck brace is also my head</p> <p>2 position on back of his head. And you are correct, what</p> <p>3 I'd like to get is his chin in the -- above the crook of</p> <p>4 my elbow. I want to be under his chin, and then I've</p> <p>5 got carotid compression on both sides. And then through</p> <p>6 head position on the back side of the suspect's head, I</p> <p>7 can maintain that.</p> <p>8 Q. And the idea -- this is a -- to use a very</p> <p>9 layman's term, this a blood choke, not an air choke;</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. So -- and if I get the suspect's chin above the</p> <p>13 crook of my elbow, I do not -- I'm actually protecting</p> <p>14 the airway; correct?</p> <p>15 A. Yeah. If you were a high-level guy, you can --</p> <p>16 you can still achieve a blood choke through someone's</p> <p>17 chin, but the layman officer I don't think could do</p> <p>18 that.</p> <p>19 Q. Okay. And then the -- for the rest of the</p> <p>20 technique, I'm going to get a hand clasp where my hands</p> <p>21 come together; correct?</p> <p>22 A. Yeah.</p> <p>23 Q. And the idea of that, based upon my reading of</p> <p>24 the training manual, is to be able to exert maximum</p> <p>25 pressure or the appropriate level of pressure that is</p>   |

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| <p>1 Q. So is it -- when you're rolling or down in a</p> <p>2 grappling position in defensive tactics, is it harder or</p> <p>3 easier to employ various techniques when you're wearing</p> <p>4 your full kit versus wearing gym clothes?</p> <p>5 A. It's harder, yeah. It's more challenging.</p> <p>6 Q. Are there some techniques of or some aspects of</p> <p>7 the lateral vascular neck restraint that cannot be used</p> <p>8 if you're wearing in certain body positions on the</p> <p>9 ground rolling around?</p> <p>10 A. Certain body positions would certainly preempt</p> <p>11 it, and then add in, like, a full kit, what an officer</p> <p>12 would typically wear, it would make it challenging.</p> <p>13 Q. And yet Metro doesn't require that type of</p> <p>14 training before its officers are allowed to use the LVNR</p> <p>15 on the street?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay.</p> <p>18 A. Yeah.</p> <p>19 Q. Have you ever heard the phrase "Train like you</p> <p>20 fight, because you are going to fight like you train"?</p> <p>21 A. Yeah.</p> <p>22 Q. Do you agree with that?</p> <p>23 A. Yes.</p> <p>24 Q. So if an officer put an encircling arm around</p> <p>25 the suspect and did not do with the support side hand,</p>  | <p>1 encircling arm and the other hand on top of the head?</p> <p>2 A. Yeah, just on top of the head. No connection.</p> <p>3 That's the reason that they teach the hands to be</p> <p>4 connected, is through that connection it gives me the</p> <p>5 ability to finish that compression. So I -- from my</p> <p>6 experience 20 years in the game, you have to connect</p> <p>7 this to something (demonstrating) and -- and it's going</p> <p>8 to be your bicep or your hands.</p> <p>9 Q. And when you say "this," you demonstrated and</p> <p>10 you would need to connect this being your encircling</p> <p>11 arm -- the hand of your encircling arm; correct?</p> <p>12 A. Correct. Correct. I've often come up behind</p> <p>13 one of my kids -- I have eight kids -- I've often come</p> <p>14 up and give them a hug from behind.</p> <p>15 Q. That's the number "eight," not with "hate";</p> <p>16 right?</p> <p>17 A. Yes, number eight. Yeah, number eight.</p> <p>18 But I have kids of varying ages; right? So I'm</p> <p>19 an affectionate guy. I like to hug, and that probably</p> <p>20 comes from my grappling; I don't know. But I'll come up</p> <p>21 behind my children and just hug them to me with one arm</p> <p>22 around them. There's no chance I'm going to render them</p> <p>23 unconscious because I've placed an arm around their neck</p> <p>24 area from behind. I'm not even concerned about that</p> <p>25 because that's -- I would need to connect it and begin</p> |
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| <p>1 put it across his biceps in the rear naked choke, and he</p> <p>2 also did not get the gable grip for the lateral vascular</p> <p>3 neck restraint but instead -- and let's just use left</p> <p>4 and right. If an officer put his -- used his left arm</p> <p>5 as the encircling arm on a suspect.</p> <p>6 A. Okay.</p> <p>7 Q. And with his right arm placed his hand on top</p> <p>8 of the suspect's head.</p> <p>9 A. Okay.</p> <p>10 Q. Is there any way for that officer to achieve</p> <p>11 carotid compression on the suspect?</p> <p>12 MR. LAGOMARSINO: Form. Foundation.</p> <p>13 BY MR. MCNUTT:</p> <p>14 Q. You can answer.</p> <p>15 A. Okay. No, not -- the secondary arm would be</p> <p>16 doing nothing. So if he's going to achieve carotid</p> <p>17 compression, he's going to have to attach this to</p> <p>18 something, and that could be way up high on his uniform</p> <p>19 or he could grab his vest. But it would be -- most guys</p> <p>20 don't understand how to do one-armed, and certainly no</p> <p>21 one's been taught that at Metro. And it's extremely</p> <p>22 challenging. Doing this (demonstrating) would not --</p> <p>23 would not achieve any reliable carotid incapacitation.</p> <p>24 Q. And for the record, when you said "doing this,"</p> <p>25 you put your hands in a situation where you have an</p> | <p>1 to apply compression.</p> <p>2 So I'll hug and -- and probably some of that --</p> <p>3 I had never thought of it until we were just discussing</p> <p>4 this, but from behind my wife, from behind my kids, I'll</p> <p>5 often encircle, for lack of a better word, their upper</p> <p>6 body and just hug them to me. I'm not concerned in the</p> <p>7 slightest that I'm going to have some kind of</p> <p>8 compression issue because I'm not connected. It's going</p> <p>9 to be very hard to finish that.</p> <p>10 Q. So even -- and you're saying that even at your</p> <p>11 level -- let's take it away from the familial setting.</p> <p>12 You're a second-degree Brazilian jiu-jitsu black belt;</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And you are a certified defensive tactics</p> <p>16 instructor or advanced officer skills training for</p> <p>17 Metro; correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And if you encountered a suspect on the street</p> <p>20 and you were attempting to employ a neck restraint, what</p> <p>21 your testimony is is that unless you connected your</p> <p>22 hands in either case, the rear naked choke technique or</p> <p>23 the lateral vascular neck restraint, if you only had an</p> <p>24 encircling arm, it's your opinion that you would not be</p> <p>25 able to render someone unconscious; correct?</p>  |



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| <p>1 have audio.</p> <p>2 MR. MCNUTT: Just so the record is clear.</p> <p>3 BY MR. MCNUTT:</p> <p>4 Q. And so -- and Ken's body-worn cam is, as you</p> <p>5 would know, picking up all the voices from around him.</p> <p>6 A. Correct.</p> <p>7 Q. They're not just his.</p> <p>8 A. Correct.</p> <p>9 Q. So let's -- tell me when Ken attempts to employ</p> <p>10 some sort of neck restraint on Tashii Farmer, and we'll</p> <p>11 get a timestamp on it.</p> <p>12 A. Now.</p> <p>13 Q. So 4:22 on this video, describe the position</p> <p>14 you see with Ken Lopera.</p> <p>15 MR. LAGOMARSINO: And I'm sorry. Just for the</p> <p>16 record, when you do that, can you also do the time on</p> <p>17 the timestamp versus -- like 57:03.</p> <p>18 THE WITNESS: Over here (indicating).</p> <p>19 MR. MCNUTT: So the time on the video is 4</p> <p>20 minutes, 22 seconds. This is the actual time of the day</p> <p>21 where it says May 14th, 2017, and it's 00:57 minutes past</p> <p>22 midnight and three seconds.</p> <p>23 THE WITNESS: Okay.</p> <p>24 MR. MCNUTT: Andre, did you put that on there?</p> <p>25 MR. LAGOMARSINO: I don't -- I didn't do the</p>   | <p>1 Q. I'll represent to you that that is Sergeant</p> <p>2 Crumrine that rolled up in the car. So you can see</p> <p>3 another Metro officer in the video; correct?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. So from this angle, no observer can tell</p> <p>6 precisely where Ken Lopera's encircling arm is; correct?</p> <p>7 MR. LAGOMARSINO: Objection. Form.</p> <p>8 BY MR. MCNUTT:</p> <p>9 Q. Is that true?</p> <p>10 A. I believe that's true, yes.</p> <p>11 Q. All right. Okay.</p> <p>12 A. I would agree.</p> <p>13 Q. So you don't know whether he's got encirclement</p> <p>14 around his neck or whether his -- he's just simply</p> <p>15 hugging Tashii Farmer's chest; correct?</p> <p>16 A. I have no idea.</p> <p>17 Q. Okay. Now, would Sergeant Crumrine have a</p> <p>18 better view since he's face-to-face with Tashii Farmer</p> <p>19 as to where Ken Lopera's arm, left arm, is?</p> <p>20 A. Yes.</p> <p>21 Q. So we're now at 4:25 in the video, 57 minutes</p> <p>22 and 6 seconds past midnight. They are both rolling on</p> <p>23 their right side. So my next question is going to be</p> <p>24 tell me when you see either of Ken Lopera's hands or</p> <p>25 arms come away from Tashii Farmer's neck, head, chest</p> |
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| <p>1 video personally.</p> <p>2 MR. MCNUTT: Well, it's your video company. So</p> <p>3 did you put that on there?</p> <p>4 MR. LAGOMARSINO: I did not put that on there.</p> <p>5 MR. MCNUTT: Well, did your video company put</p> <p>6 that on there?</p> <p>7 MR. LAGOMARSINO: I don't know.</p> <p>8 MR. MCNUTT: The day and date stamp.</p> <p>9 MR. LAGOMARSINO: I believe that's from the</p> <p>10 surveillance.</p> <p>11 BY MR. MCNUTT:</p> <p>12 Q. So the question was please describe for me the</p> <p>13 position that Ken Lopera is in with Tashii Farmer.</p> <p>14 A. So when I called out "stop" and now it's become</p> <p>15 a little fuzzy, but it was very clear when I called it</p> <p>16 out, to me. Chest to back, sitting up, left arm -- and</p> <p>17 I wouldn't call it encirclement because I can't tell if</p> <p>18 it is, but left arm around the upper -- upper torso</p> <p>19 and/or neck and/or head. Right hand resting on top of</p> <p>20 Mr. Farmer's head.</p> <p>21 Q. Okay. So in this part of the video when we're</p> <p>22 at 4:22 of the video, 57 minutes and 3 seconds past</p> <p>23 midnight in actual time, do you see Sergeant Crumrine</p> <p>24 there?</p> <p>25 A. Yes. Yes.</p> | <p>1 area.</p> <p>2 A. It's out.</p> <p>3 Q. Okay. So we're at 4:58, but I think I was a</p> <p>4 little slow; so let's watch it.</p> <p>5 A. Sure.</p> <p>6 It's out. It's out.</p> <p>7 Q. Okay. So 4:57, 4:56, somewhere in there,</p> <p>8 depending on how fast my finger was. That's where Ken</p> <p>9 Lopera's right arm is away from Tashii Farmer; correct?</p> <p>10 A. That's correct.</p> <p>11 Q. And that's the same testimony you gave on the</p> <p>12 other video; correct?</p> <p>13 A. It looks very similar to me.</p> <p>14 Q. Okay. So now they have rolled back over or</p> <p>15 they have rolled to their left side. Can you tell</p> <p>16 your -- where Ken Lopera's left or right arm, what's</p> <p>17 your description?</p> <p>18 A. The left arm is hard for me to see. It's under</p> <p>19 the -- under Mr. Farmer somewhere. The right arm is up</p> <p>20 high and wrapped all the way around what appears like</p> <p>21 his head, but I can't tell if it's under the chin or the</p> <p>22 placement of it. I can't tell.</p> <p>23 Q. Okay.</p> <p>24 A. Pause. Okay, he's out there.</p> <p>25 Q. Okay.</p>  |

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| <p>1 the lateral vascular neck restraint due to the gear he</p> <p>2 was wearing?</p> <p>3 MR. LAGOMARSINO: Form. Foundation.</p> <p>4 THE WITNESS: No. I think you can do it with</p> <p>5 the gear he was wearing.</p> <p>6 BY MR. MCNUTT:</p> <p>7 Q. Okay. But based on your prior testimony, it's</p> <p>8 more difficult to do it with your full gun belt and --</p> <p>9 A. Sure.</p> <p>10 Q. -- kit; correct?</p> <p>11 A. If the question is can he do it, yes. If the</p> <p>12 question is could his gear inhibit his performance in</p> <p>13 this, that can be true as well.</p> <p>14 Q. Okay. I think it's pretty clear that your</p> <p>15 testimony is that his hand was not in the correct</p> <p>16 position -- the perfectly correct position for an LVNR;</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. And it was not -- nor was it in the correct</p> <p>20 position for a rear naked choke; correct?</p> <p>21 A. Correct.</p> <p>22 Q. Is there -- did he perform some other neck</p> <p>23 restraint that I'm unaware of there being a name for?</p> <p>24 MR. LAGOMARSINO: Form. Foundation.</p> <p>25 THE WITNESS: I don't see any trained neck</p>  | <p>1 to is if I use it three times and it doesn't work, then</p> <p>2 I consider it not effective, and I can use another</p> <p>3 intermediate force means to address this suspect.</p> <p>4 Q. Sergeant Bland testified that Metro's policy</p> <p>5 was to utilize -- you could utilize a TASER three times</p> <p>6 and then you -- the officer was encouraged to look for a</p> <p>7 different use of force.</p> <p>8 A. That's accurate.</p> <p>9 Q. But an officer that was by themselves or in</p> <p>10 other exigent circumstances, they could certainly use</p> <p>11 the TASER. In fact, he said there was no expectation</p> <p>12 that an officer would quit using a TASER to go hands on</p> <p>13 simply because they used it three times and didn't have</p> <p>14 any other options.</p> <p>15 A. I would agree. Yeah, I would agree a hundred</p> <p>16 percent. And that's why I said there's not a number,</p> <p>17 per se.</p> <p>18 Q. Okay. Is -- do you have a definition for what</p> <p>19 constitutes a dynamic situation in policing?</p> <p>20 A. Rapidly evolving, tense, uncertain</p> <p>21 circumstances. Suspect resisting. Dynamic situation.</p> <p>22 MR. MCNUTT: Andre, I'm going to look through</p> <p>23 my notes. We can either take a break and I can come</p> <p>24 back to him and then you can go, or I'm happy to turn</p> <p>25 the witness with the reservation that I want to look</p> |
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| <p>1 restraint. I see a failure of a trained neck restraint,</p> <p>2 if that makes sense to you.</p> <p>3 BY MR. MCNUTT:</p> <p>4 Q. Okay. It does.</p> <p>5 A. I don't see any execution of something that I'd</p> <p>6 say, "Oh, yeah, right there he's shifting his hips.</p> <p>7 That's" -- I don't see any of that.</p> <p>8 Q. Okay. Do you teach as part of your defensive</p> <p>9 tactics -- advanced defensive tactics instructor role,</p> <p>10 do you teach use of TASER?</p> <p>11 A. Yes, I'm certified as a TASER instructor.</p> <p>12 Q. Okay. Are there instances -- are you familiar</p> <p>13 with what Metro's policy regarding the use of a TASER</p> <p>14 is?</p> <p>15 A. Yes. I don't have it in front of me. I'm</p> <p>16 familiar with it, and I could probably recall questions</p> <p>17 that you have about it, but, you know...</p> <p>18 Q. Do you know how many times an officer is</p> <p>19 authorized to use -- deploy a TASER on a suspect?</p> <p>20 A. Well, the -- well, first, it depends. But</p> <p>21 they -- they say three applications and try something</p> <p>22 else. It's not working. You might not be getting</p> <p>23 good -- the less applications I can expose him to, the</p> <p>24 better. I mean, I don't want to just continually zap</p> <p>25 this guy. And the standard I believe you're referring</p> | <p>1 through my notes and have a couple questions.</p> <p>2 MR. LAGOMARSINO: Sure. Do you want to --</p> <p>3 MR. ANDERSON: Whatever.</p> <p>4 MR. LAGOMARSINO: Do you have any questions?</p> <p>5 MR. ANDERSON: No, not right now.</p> <p>6 MR. LAGOMARSINO: Do you want to take a break?</p> <p>7 THE WITNESS: I don't need one right now.</p> <p>8 MR. LAGOMARSINO: Madam Court Reporter?</p> <p>9 THE COURT REPORTER: I'm fine. Thank you.</p> <p>10 MR. LAGOMARSINO: Why don't we start.</p> <p>11 THE WITNESS: And if we need a break --</p> <p>12 MR. LAGOMARSINO: Yeah.</p> <p>13 EXAMINATION</p> <p>14 BY MR. LAGOMARSINO:</p> <p>15 Q. It's quite easy to apply a one-armed rear naked</p> <p>16 choke; correct?</p> <p>17 MR. MCNUTT: Objection. Form.</p> <p>18 THE WITNESS: Answer?</p> <p>19 BY MR. LAGOMARSINO:</p> <p>20 Q. Yes.</p> <p>21 A. A one arm? No, it's -- I wouldn't say it's</p> <p>22 quite easy. It's likely to fail.</p> <p>23 Q. You have an Instagram page; correct?</p> <p>24 A. I do.</p> <p>25 Q. And that is C4C underscore operator; correct?</p>  |

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|---|---|
| <p>1 A. That's correct.</p> <p>2 Q. And you posted a video on that page as of</p> <p>3 October 1st of this year referencing a one-arm rear naked</p> <p>4 choke; right?</p> <p>5 A. You can do one.</p> <p>6 Q. Okay.</p> <p>7 A. I wouldn't call it quite easy, nor would I call</p> <p>8 it high percentage.</p> <p>9 Q. You have a nonblack-belt buddy who has been</p> <p>10 hitting this choke on folks forever; correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And who is "hey B minus"?</p> <p>13 A. Brian Hartman is -- he was in Special Forces in</p> <p>14 the military, then he was a SWAT operator and led a</p> <p>15 tactical team, and he's been training for 20 years. He</p> <p>16 just doesn't wear a gi, which is g-i. So he doesn't</p> <p>17 subscribe to any belt system; so he doesn't have a belt.</p> <p>18 But Bryan trains Navy SEALs. He trains Tier One</p> <p>19 operators. Full-time trainer at this point. Lots of</p> <p>20 operational experience.</p> <p>21 Q. And was Brian Hartman involved in a</p> <p>22 controversial officer-involved shooting?</p> <p>23 A. He was.</p> <p>24 MR. MCNUTT: Objection. Form.</p> <p>25 /////</p>   | <p>1 most people, even in his circles, would not know you</p> <p>2 could do that. That's not common knowledge. That's</p> <p>3 extremely advanced technique that most people wouldn't</p> <p>4 know.</p> <p>5 Keenan also shows the importance of a</p> <p>6 connection. And so he's using his own neck in the same</p> <p>7 way you would use this (demonstrating) and the same way</p> <p>8 you would use this (demonstrating). He's not leaving</p> <p>9 arms loose. And certainly that would be challenging to</p> <p>10 do with a kit on. That would be very hard to do.</p> <p>11 BY MR. LAGOMARSINO:</p> <p>12 Q. Sure.</p> <p>13 A. You would have to have long arms.</p> <p>14 Q. And I think you referenced this earlier. The</p> <p>15 key is as long as the encircling arm has leverage on</p> <p>16 something, that's where your pressure is coming from;</p> <p>17 correct?</p> <p>18 A. Yes, but typically something with me. So in</p> <p>19 other words, I couldn't just expect reasonably that I</p> <p>20 can encircle your arm and grab you --</p> <p>21 Q. Right.</p> <p>22 A. -- and create that same leverage. It would</p> <p>23 have to be to me.</p> <p>24 Q. Right. So I think you demonstrated earlier.</p> <p>25 I'll try to demonstrate with this, obviously, too tight</p> |
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| <p>1 BY MR. LAGOMARSINO:</p> <p>2 Q. And what was that shooting?</p> <p>3 A. That, I don't know. I never got briefed on it.</p> <p>4 I wasn't in a training scenario. It was a shooting --</p> <p>5 it happened in Southeast Vegas, but I don't know details</p> <p>6 on it.</p> <p>7 Q. That was the shooting where he shot an</p> <p>8 individual in the back with an AR-15 who was handcuffed?</p> <p>9 A. I didn't -- I don't know that he was</p> <p>10 handcuffed, and I don't know any of the details in that</p> <p>11 shooting.</p> <p>12 Q. Or if he was on his knees? Okay.</p> <p>13 A. Yeah, I don't know any of those details.</p> <p>14 Q. Okay. So if you could, please, go to your</p> <p>15 Instagram page on your phone.</p> <p>16 A. Sure.</p> <p>17 Q. Actually, I have it here if you just want to</p> <p>18 see it.</p> <p>19 A. I can look at it on yours. That's fine.</p> <p>20 Q. Yours is probably much bigger than mine.</p> <p>21 (Video playing on cell phone.)</p> <p>22 THE WITNESS: So it's great video. This is</p> <p>23 Keenan Cornelius, and Keenan's a long-time BJJ guy.</p> <p>24 He's a high-level black belt. He's world renowned. And</p> <p>25 the reason he would give a tutorial like that is that</p> | <p>1 suit.</p> <p>2 A. Your suit looks great.</p> <p>3 Q. So you put the encircling arm around</p> <p>4 (demonstrating), right --</p> <p>5 A. Yes, sir.</p> <p>6 Q. -- and in this situation, I'm encircling with</p> <p>7 my right arm.</p> <p>8 A. Yes.</p> <p>9 Q. And as long as I have a situation where I have</p> <p>10 pressure around the subject's neck, the right hand can</p> <p>11 either grab my own shoulder, it can grab my own neck,</p> <p>12 and in that situation you can achieve a carotid hold</p> <p>13 with one arm; correct?</p> <p>14 A. You can do it, certainly.</p> <p>15 Q. Okay.</p> <p>16 A. Yeah.</p> <p>17 Q. All right. And I believe in the testimony</p> <p>18 earlier when you were watching the video, you had a</p> <p>19 situation where I think it was a -- I believe it was</p> <p>20 1:29 in the -- I may be mistaken, for the record -- but</p> <p>21 it was where you stated that Ken appeared to have one of</p> <p>22 his hands on Tashii Farmer's arm or hand.</p> <p>23 A. I couldn't tell what it was. I thought it</p> <p>24 might be the wrist control. I thought he might, but I</p> <p>25 didn't know.</p>   |



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|---|--|
| <p>1 can remember, yeah. I don't remember any.</p> <p>2 Q. What years were you on the Portland Police</p> <p>3 Bureau?</p> <p>4 A. Would have been academy in late '97, I believe.</p> <p>5 Q. Okay.</p> <p>6 A. And then came here in 2004.</p> <p>7 Q. When you received training in Portland, do they</p> <p>8 train on the LVNR as a deadly-force option?</p> <p>9 A. They don't train it at all.</p> <p>10 Q. And why is that?</p> <p>11 A. They say that it's deadly force.</p> <p>12 Q. Did they teach you about a case study involving</p> <p>13 a gentleman named Lloyd Tony Stevenson who died after</p> <p>14 having the LVNR applied to him?</p> <p>15 A. Did who?</p> <p>16 Q. Did the Portland Police Bureau train you on an</p> <p>17 individual case study with a subject named Lloyd Tony</p> <p>18 Stevenson who died as a result of a carotid restraint</p> <p>19 being applied to him?</p> <p>20 A. Well, they talked about an arm bar, arm-barring</p> <p>21 wind choke restraint, and said that a guy had died --</p> <p>22 and please don't quote me because it is quite a long</p> <p>23 time ago, but I believe there might have even been</p> <p>24 someone using a baton to try to --</p> <p>25 Q. Okay.</p> | <p>1 BY MR. LAGOMARSINO:</p> <p>2 Q. If you have a subject in an LVNR or a -- well,</p> <p>3 let's start --</p> <p>4 A. Carotid restraint?</p> <p>5 Q. Let's start over. Yeah.</p> <p>6 A. Okay.</p> <p>7 Q. If you had an individual in an LVNR and you</p> <p>8 render them unconscious and you can tell they were</p> <p>9 unconscious, you must immediately release the pressure</p> <p>10 on the LVNR; right?</p> <p>11 A. Yes.</p> <p>12 Q. If you don't immediately relieve or release the</p> <p>13 pressure, there's a risk of death or serious injury to</p> <p>14 that individual; correct?</p> <p>15 MR. MCNUTT: Objection. Form.</p> <p>16 THE WITNESS: Eventual. I wouldn't say -- if</p> <p>17 I'm three to seven seconds and you go unconscious at</p> <p>18 five seconds and I don't immediately release carotid</p> <p>19 compression, are you going to suddenly die? I don't</p> <p>20 think you are. You can go underwater for far longer</p> <p>21 than that and be getting no air.</p> <p>22 BY MR. LAGOMARSINO:</p> <p>23 Q. That's a fair distinction.</p> <p>24 A. It could lead to death.</p> <p>25 Q. Yeah.</p>   |
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| <p>1 A. -- render him unconscious.</p> <p>2 Q. Do you know Bill Smock is or William Smock?</p> <p>3 A. That name is very familiar.</p> <p>4 Q. It's a doctor who provides training on LVNR who</p> <p>5 has been providing training to Metro or will be</p> <p>6 providing training to Metro soon.</p> <p>7 A. Yeah, I don't -- I don't know him, but the name</p> <p>8 sounds familiar.</p> <p>9 Q. Okay.</p> <p>10 A. Yeah.</p> <p>11 Q. You talked about the importance of giving</p> <p>12 verbal commands in conjunction with the LVNR. Do you</p> <p>13 agree that those verbal commands need to be clear to the</p> <p>14 subject?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 A. Yeah.</p> <p>18 Q. Do you believe that if improperly applied, the</p> <p>19 LVNR could be deadly force?</p> <p>20 MR. MCNUTT: Objection. Form.</p> <p>21 THE WITNESS: So certainly anything when we're</p> <p>22 fighting could turn into a lethal thing, but it could</p> <p>23 be. It's not probable. It's probable that it just</p> <p>24 won't work.</p> <p>25 /////</p>  | <p>1 A. Yes.</p> <p>2 Q. You watched the video of the interaction with</p> <p>3 Tashii Farmer and Ken Lopera twice, one with sound, one</p> <p>4 without. Is it your opinion that Ken Lopera's life was</p> <p>5 in danger?</p> <p>6 MR. MCNUTT: Objection. Form.</p> <p>7 THE WITNESS: You know, he's with an</p> <p>8 aggressive, resistant individual who's fighting. I</p> <p>9 don't know what he felt, though, or what he perceived,</p> <p>10 and I can't gain any of that by watching a video in this</p> <p>11 office, not in a fight.</p> <p>12 BY MR. LAGOMARSINO:</p> <p>13 Q. Did anybody at Metro tell you why they don't</p> <p>14 allow the rear naked choke?</p> <p>15 A. You know, they've never really asked me.</p> <p>16 Unofficially, I know there's a lot of -- a lot of</p> <p>17 ignorance. I could ask the average administrator in my</p> <p>18 agency what the difference is; they couldn't tell me. I</p> <p>19 could ask them if they're the same; they wouldn't know.</p> <p>20 And I think people generally are afraid of it despite</p> <p>21 the fact that -- shoot, we're at 11:45. It's happening</p> <p>22 right now in this city repeatedly to people because</p> <p>23 there's lunchtime jiu-jitsu classes going right now, and</p> <p>24 people are doing it, and no one's dying. We don't</p> <p>25 replace a new member every week. Man, we lost another</p> |

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|---|---|
| <p>1 one to a carotid restraint. Holy cow.</p> <p>2 People just -- so I think there's a lot of</p> <p>3 ignorance. I think people think, like, if you do this</p> <p>4 wrong, it's going to, oh, my goodness, cause a death.</p> <p>5 And the reality is I've been doing it for 20-something</p> <p>6 years and seeing horrible applications of carotid</p> <p>7 restraint, and what happens is it just doesn't work.</p> <p>8 It's actually -- I would prefer someone to render me</p> <p>9 temporarily incapacitated through a blood choke than</p> <p>10 beating me any day of the week, any day of the week. It</p> <p>11 would be a gift; so.</p> <p>12 Q. Right.</p> <p>13 But in that jiu-jitsu training, you usually</p> <p>14 have somebody monitoring when somebody's unconscious and</p> <p>15 assuring that pressure is relieved when that person</p> <p>16 becomes unconscious; right?</p> <p>17 A. That's correct. But even with that being said,</p> <p>18 like, when I compete -- when I compete, what they</p> <p>19 restrict is based on liability and potential injury.</p> <p>20 That's how they decide what they're going to restrict</p> <p>21 and what they're not going to restrict. And what they</p> <p>22 don't restrict at a beginning level is carotid</p> <p>23 restraint. Carotid restraint is from kids class all the</p> <p>24 way up to beginner adults can apply carotid restraint.</p> <p>25 Why? Because it's not likely anyone's going to get</p> | <p>1 What hold is that?</p> <p>2 A. That's similar to an LVNR. That's -- Stephan</p> <p>3 Kesting is your bald guy who's behind the other guy. I</p> <p>4 don't know who the guy in front is.</p> <p>5 Q. Who's Stephan Kesting?</p> <p>6 A. He's a Brazilian jiu-jitsu black belt out of</p> <p>7 Canada. I don't think he's a police officer. I think</p> <p>8 he's a firefighter. But that's a picture of him, and</p> <p>9 his rear elbow was down, which would be opposite of what</p> <p>10 LVNR would teach, but other than that, that's pretty</p> <p>11 much the grip we would have.</p> <p>12 Q. The next page, it says:</p> <p>13 "The Majority of Law Enforcement Agencies in</p> <p>14 the U.S. Have Banned or Reserved Use of</p> <p>15 'Chokeholds' and 'Vascular Restraints' For</p> <p>16 Deadly Force Encounters."</p> <p>17 Agree, disagree, or no opinion?</p> <p>18 MR. MCNUTT: Objection. Form.</p> <p>19 THE WITNESS: I don't know. I don't know.</p> <p>20 BY MR. LAGOMARSINO:</p> <p>21 Q. Okay.</p> <p>22 A. What the majority is, really, I don't know.</p> <p>23 Q. Can you please turn to the page, a few pages</p> <p>24 forward, it says:</p> <p>25 "In-Custody Death: Positional Asphyxia/Carotid</p> |
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| <p>1 hurt. They don't allow simple joint locks because it's</p> <p>2 very likely people will get hurt without the proper</p> <p>3 training. So if there was a high incidence of injury or</p> <p>4 death, you would see a huge restriction on carotid</p> <p>5 restraint when we compete, and there's none; so.</p> <p>6 Q. But when you compete, people aren't holding the</p> <p>7 carotid restraint for a minute plus after the person has</p> <p>8 become unconscious; right?</p> <p>9 A. That would be -- that would be correct, yeah.</p> <p>10 Q. Okay. We'll make this Exhibit 1.</p> <p>11 A. Thank you, sir.</p> <p>12 (Exhibit 1 was marked.)</p> <p>13 BY MR. LAGOMARSINO:</p> <p>14 Q. So this I'll represent to you is a PowerPoint</p> <p>15 put on by Bill Smock. He is a police surgeon with the</p> <p>16 Louisville Metro Police Department, and he provides</p> <p>17 training throughout the country on the issue of the</p> <p>18 carotid restraint.</p> <p>19 What I'm going to ask you is if you agree,</p> <p>20 disagree, or have no opinion on some of the statements</p> <p>21 made in this PowerPoint, okay.</p> <p>22 A. Okay. Thank you, sir.</p> <p>23 Q. All right. So on the second page, it says:</p> <p>24 "Law Enforcement Use of a Neck Restraint/Hold:</p> <p>25 Sleeper Hold, LVNR, Carotid Restraint."</p>   | <p>1 Restraint."</p> <p>2 A. Um-hum.</p> <p>3 Q. So it's the Eric Garner case. Are you familiar</p> <p>4 with the Eric Garner case somewhat?</p> <p>5 A. Yeah.</p> <p>6 MR. MCNUTT: Objection. Form.</p> <p>7 THE WITNESS: Oh, I'm sorry.</p> <p>8 Yes.</p> <p>9 BY MR. LAGOMARSINO:</p> <p>10 Q. What's your understanding of what the Eric</p> <p>11 Garner case was?</p> <p>12 A. Complaint about a guy selling drugs on the</p> <p>13 sidewalk. They call him -- they contact him. There's</p> <p>14 an arrest attempt. He doesn't want to be handcuffed.</p> <p>15 They wrestle him down to the ground. They hold him down</p> <p>16 and handcuff him, and he later dies.</p> <p>17 Q. In this second picture there on the right, what</p> <p>18 kind of a restraint is placed on Eric Garner?</p> <p>19 A. I think there's encirclement with no restraint.</p> <p>20 I don't think that's a finish of anything. So an arm</p> <p>21 encirclement for sure, though, left arm.</p> <p>22 Q. All right. Skipping head to 9.1.5, Use of</p> <p>23 Physical Force.</p> <p>24 A. Yes, sir.</p> <p>25 MR. MCNUTT: Hang on, where are you at? 9 --</p>  |

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| <p>1 MR. LAGOMARSINO: Yeah, just a couple pages</p> <p>2 forward.</p> <p>3 MR. MCNUTT: There's a couple of them, though.</p> <p>4 Next one is 9.1.5 too.</p> <p>5 THE WITNESS: The one right after --</p> <p>6 MR. MCNUTT: After Ken's picture?</p> <p>7 MR. LAGOMARSINO: Right.</p> <p>8 THE WITNESS: Okay. I'm there.</p> <p>9 BY MR. LAGOMARSINO:</p> <p>10 Q. Says: "9.1.5 Use of Physical Force." Says:</p> <p>11 "Choking techniques, even if applied</p> <p>12 appropriately" --</p> <p>13 So I'm talking about the highlighted version --</p> <p>14 A. Um-hum.</p> <p>15 Q. "Choking techniques, even if applied</p> <p>16 appropriately, cause a risk of death or serious</p> <p>17 physical injury because they may restrict the</p> <p>18 flow of blood or oxygen to a person's brain."</p> <p>19 Agree, disagree, or --</p> <p>20 MR. MCNUTT: Objection to the form of the</p> <p>21 question on two bases. Is -- do you purport this to be</p> <p>22 from Metro -- Las Vegas Metropolitan Police Department?</p> <p>23 MR. LAGOMARSINO: I'm simply asking him if he</p> <p>24 agrees with the sentence that's highlighted that I just</p> <p>25 read.</p> | <p>1 Is that a risk of a carotid restraint?</p> <p>2 MR. MCNUTT: Same objection.</p> <p>3 THE WITNESS: Yeah, I don't -- I don't know</p> <p>4 what it would be called. I don't know.</p> <p>5 BY MR. LAGOMARSINO:</p> <p>6 Q. Is asphyxia death a risk of a carotid</p> <p>7 restraint?</p> <p>8 MR. MCNUTT: Same objections.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. LAGOMARSINO:</p> <p>11 Q. Is anoxic brain damage a risk of a carotid</p> <p>12 restraint?</p> <p>13 MR. MCNUTT: Same objections.</p> <p>14 THE WITNESS: I don't know.</p> <p>15 BY MR. LAGOMARSINO:</p> <p>16 Q. Is -- strike that.</p> <p>17 Are fractures of the laryngeal cartilage a risk</p> <p>18 of a carotid restraint?</p> <p>19 MR. MCNUTT: Same objections.</p> <p>20 THE WITNESS: Agree.</p> <p>21 BY MR. LAGOMARSINO:</p> <p>22 Q. All right. Is fracture and collapse of the</p> <p>23 trachea a risk of a carotid restraint?</p> <p>24 MR. MCNUTT: Objection. Same objections.</p> <p>25 THE WITNESS: Not a carotid. More windpipe</p>                            |
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| <p>1 MR. MCNUTT: Well, objection to the form of the</p> <p>2 question based upon the source document, and I'll object</p> <p>3 to the form of the question because this witness is not</p> <p>4 a medical expert.</p> <p>5 BY MR. LAGOMARSINO:</p> <p>6 Q. You can answer.</p> <p>7 A. I disagree.</p> <p>8 Q. Why do you disagree?</p> <p>9 A. Because if applied appropriately, it happens</p> <p>10 all the time. And even if applied -- if applied</p> <p>11 inappropriately, you're not going to get any -- any</p> <p>12 incapacitation or risk of death. Nothing's going to</p> <p>13 happen. And applied appropriately, you could let it go.</p> <p>14 And we apply carotid restraint daily.</p> <p>15 Q. Okay.</p> <p>16 A. Yeah.</p> <p>17 Q. Going to the slide that says:</p> <p>18 "Risks of Carotid Restraints?"</p> <p>19 MR. MCNUTT: Going to what?</p> <p>20 MR. LAGOMARSINO: The page that says "Risks of</p> <p>21 Carotid Restraints."</p> <p>22 BY MR. LAGOMARSINO:</p> <p>23 Q. Again, agree, disagree, or I don't know:</p> <p>24 "Dissection of carotid or vertebral arteries</p> <p>25 resulting in a stroke or death."</p>                   | <p>1 choke which would be like a wind choke.</p> <p>2 BY MR. LAGOMARSINO:</p> <p>3 Q. Okay. All right.</p> <p>4 Going to the page that starts with:</p> <p>5 "Sean Entin and life after the 'choke.'"</p> <p>6 A. Okay. Thank you.</p> <p>7 MR. MCNUTT: Can you say that again.</p> <p>8 MR. LAGOMARSINO: This page right here</p> <p>9 (indicating).</p> <p>10 MR. MCNUTT: Sean Entin.</p> <p>11 BY MR. LAGOMARSINO:</p> <p>12 Q. Have you heard of the Sean Entin case?</p> <p>13 A. I have not.</p> <p>14 Q. Going to the next page where it says:</p> <p>15 "Road FC champion suffers stroke, diagnosed as</p> <p>16 acute cerebral infarction."</p> <p>17 Have you heard about this case?</p> <p>18 A. I may have heard about that one on the</p> <p>19 Internet.</p> <p>20 Q. And what's your understanding of that case?</p> <p>21 A. Just heard about it. Didn't understand what</p> <p>22 actually happened there.</p> <p>23 Q. The next one is:</p> <p>24 "Leandro Feijao Souza died from a stroke?"</p> <p>25 Did you hear about this case?</p> |

## 1 REPORTER'S CERTIFICATE

2 STATE OF NEVADA )  
 3 ) ss  
 4 COUNTY OF CLARK )

5 I, Dawn Bratcher Gustin, a duly certified court  
 6 reporter licensed in and for the State of Nevada, do  
 hereby certify:

7 That I reported the taking of the deposition of  
 the witness, CHAD N. LYMAN, at the time and place  
 8 aforesaid;

9 That prior to being examined, the witness was by  
 me duly sworn to testify to the truth, the whole truth,  
 10 and nothing but the truth;

11 That I thereafter transcribed my shorthand notes  
 into typewriting and that the typewritten transcript of  
 12 said deposition is a complete, true, and accurate record  
 of the proceedings to the best of my ability.

13 I further certify that (1) I am not a relative,  
 14 employee, or independent contractor of counsel of any of  
 the parties; nor a relative, employee, or independent  
 15 contractor of the parties involved in said action; nor a  
 person financially interested in the action; nor do I  
 16 have any other relationship with any of the parties or  
 with counsel of any of the parties involved in the  
 17 action that may reasonably cause my impartiality to be  
 questioned; and (2) that transcript review pursuant to  
 18 NRCP 30(e) was waived.

19 IN WITNESS WHEREOF, I have hereunto set my hand  
 in the County of Clark, State of Nevada, this 21st day of  
 20 November 2019.

21  
 22 

23 Dawn Bratcher Gustin, CCR 253, RPR, CRR

